Regular Meeting #54 - 2013  
Fairfield County Commissioners’ Office  
November 12, 2013

Public Viewing – Vacate a Portion of North Alley and Oak Street

The Commissioners met at 9:00 a.m. to view and determine the necessity for vacating a portion of North Alley and Oak Street. Commissioner Davis called the meeting to order with the following Commissioners present: Steven Davis, Mike Kiger, and Dave Levacy. Also present was Jeremiah Upp, William Craig, Bill Yaple, Joshua Frasure, Gary Benadum, Vicki Benadum, and Richard Colburn.

Comments were made regarding the petition to vacate a portion of North Alley and Oak Street. During the viewing, members of the public showed anger and used inappropriate language. After an appropriate time to accept comments, the viewing was closed, with an indication that a public hearing was to be held at 11:30 a.m.

Review

The Commissioners met at 9:53 a.m. to review legal issues and pending or future action items and correspondence. Commissioner Davis called the meeting to order with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Staci Knisley, Jason Dolin, Tony Vogel, Ray Stemen, Bob Clark, Jeff Barron, Ursula LaVeck, Aunie Cordle, Dennis Keller, David Miller, Holly Mattei, Lisa Notestone, and Staci Knisley.

Mr. Davis opened the meeting and apologized for the delay due to the public viewing that took place earlier.

Ms. Brown stated the board composition of the County Land Reutilization Corporation (the Land Bank) is set forth in R.C. 1724.03. The County Treasurer will be sending letters to political subdivisions: the City of Lancaster and Violet Township. The Board of Commissioners does not make the appointments overall; the corporation will do that. There is a resolution on the voting agenda today for the statutory membership from the Board of Commissioners.

- Legal Update

Mr. Dolin stated he did not have a legal update.

Mr. Davis stated that he and Mr. Dolin would have continued discussions throughout the day relating to the process relating to ORC 3.16 and the Clerk of Courts in the event that she is suspended and the potential need for an opinion from the Attorney General. He added that due to the nature of the case, they want the opinion of how to employ ORC 3.16 from the top law enforcement in the state and that they would ask for an expedited answer if they do decide to request an opinion.
Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, November 12, 2013 beginning at 10:05 a.m., with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Jason Dolin, Carri Brown, Rachel Elsea, Staci Knisley, Ursula LaVeck, Dennis Keller, Ray Stemen, David Miller, Lisa Notestone, Jeff Barron, Jeremiah Upp, Holly Mattei, Tony Vogel, Bill Miller, Bob Clark, Jason Dolin, Aunie Cordle, and Jon Slater.

Pledge of Allegiance

Commissioner Davis asked everyone to rise as able, and he led the Pledge of Allegiance.

Announcements

Commissioner Davis asked Ms. Elsea if there were any announcements. Ms. Elsea stated that there was a resolution added for the Auditor’s Office and the Human Resources resolution was removed.

Public Comment

Commissioner Davis asked if anyone from the public who would like to speak or offer comments. No public comments were made.

Approval of Minutes for Tuesday, November 5, 2013.

On the motion of Mike Kiger and the second of Dave Levacy, the Board of Commissioners voted to approve the Minutes for Tuesday, November 5, 2013.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Mike Kiger, Dave Levacy, and Steve Davis

Approval of the ADAMH Board Resolution

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the ADAMH Board resolution approving an account to account transfer; see resolution 2013-11.12.a.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy, Mike Kiger and Steve Davis
Approval of the Auditor’s Office Resolutions

On the motion of Mike Kiger and the second of Dave Levacy, the Board of Commissioners voted to approve the following Auditor’s Office resolutions:

2013-11.12.b A resolution approving an account to account transfer into a major expense category for Auditor REA and GIS [Auditor- Admin]

2013-11.12.c A resolution authorizing the approval of an agreement between Fairfield Computer Services, LLC and the Fairfield County Commissioners. [Auditor- Admin]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Mike Kiger, Dave Levacy, and Steve Davis

Approval of the Commissioners’ Office Resolutions

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the following Commissioners’ Office resolutions:

2013-11.12.d A resolution authorizing the approval of an contract between Totten’s Carpets and the Fairfield County Commissioners. [Commissioners]

2013-11.12.e A resolution authorizing the approval of an contract between Roger Conrad Concrete and the Fairfield County Commissioners. [Commissioners]

2013-11.12.f A resolution to designate statutory membership of County Commission representatives for the Land Reutilization Corporation, also known as the Land Bank [Commissioners]

2013-11.12.g A resolution to approve an Award of Bid to D.L. Smith Concrete & Design, LLC – CDBG FY 2012 Fairfield County, Village of Carroll Curb Installation Project [Commissioners]

2013-11.12.h A resolution authorizing the approval of a request for payment and status of funds report – FY2012 HOME & CDBG Funds – Drawdown for $6,717 [Commissioners]

2013-11.12.i A resolution to appropriate from unappropriated into a major expense category for fund # 2788 – CDBG FY2012 – Fairfield County Commissioners [Commissioners]
Discussion: Commissioner Levacy stated that resolution F was fulfilling statutory requirements for the Land Bank Board membership.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy, Mike Kiger and Steve Davis

**Approval of the Engineer’s Office Resolutions**

On the motion of Mike Kiger and the second of Dave Levacy, the Board of Commissioners voted to approve the following Engineer’s Office resolutions:

2013-11.12.j A resolution to approve a Change Order for the 2013 Pavement Markings Project [Engineer]

2013-11.12.k A resolution to amend the certificate, update receipt line item & request for appropriations for additional unanticipated receipts of memo receipts and memo expenses for fund 3445 (CR17) [Engineer]

2013-11.12.l A resolution to amend the certificate, update receipt line item & request for appropriations for additional unanticipated receipts of Memo receipts and memo expenses for fund 3434 for CLE-08 bridge replacement project. [Engineer]

2013-11.12.m A resolution to appropriate from unappropriated in a major expenditure object category County Engineer 2024-Motor Vehicle for water heater and other facility repairs [Engineer]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Mike Kiger, Dave Levacy, and Steve Davis

**Approval of the JFS Resolutions**

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the following JFS resolutions:

2013-11.12.n A resolution to approve the disposal of a vehicle – Fairfield County Job and Family Services – Transfer to Skips Hauling. [JFS]

A resolution regarding a Purchase of a Title IV-D Contract between Fairfield County Job & Family Services, Child Support Enforcement Agency and Attorney Christina McGill [JFS]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy, Mike Kiger and Steve Davis

Approval of the Utilities Office Resolution

On the motion of Mike Kiger and the second of Dave Levacy, the Board of Commissioners voted to approve the Utilities' Office resolution authorizing the approval of repayment of an advance to the General Fund 2777 Home Sewage Septic Systems; see resolution 2013-11.12.q.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Mike Kiger, Dave Levacy, and Steve Davis

Approval of the Payment of Bills Resolution

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the following Payment of Bills resolutions:

2013-11.12.r A resolution to approve the payment of a vouchers without appropriate carry-over purchase orders for all Departments that are approved by the Commissioners [Auditor- Finance]

2013-11.12.s A resolution authorizing the approval of payment of invoices for departments that need Board of Commissioners' approval [Commissioners]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy, Mike Kiger and Steve Davis

Ms. Elsea announced that the next regular scheduled meeting for the Board of Commissioners will be Tuesday, November 19, 2013 at 10:00 a.m.

Commissioner Davis stated at 10:12 a.m. there would be a ten minute recess followed by the continuation of review in Commissioner Kiger's Office.

Review Continued

The Commissioners met at 10:23 a.m. to continue to review legal issues and pending or future action items and correspondence. Commissioner Davis called the meeting to order with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Jason Dolin, Ursula LaVeck,
Holly Mattei, Bob Clark, Jon Slater, Lisa Noteestone, David Miller, Jeff Barron, Tony Vogel, Dennis Keller, Aunie Cordle, Staci Knisley, and Ray Stemen.

- Administration and Budget Update/Carri’s List

a. 2014 Workgroups

Ms. Brown reported that work groups are derived from feedback received at the leadership conference or as suggested by the Board of Commissioners. A list of work groups for the coming year is attached. Everyone has agreed to participate and is aware of the charges or draft purpose statements. The reporting will be accomplished in summary fashion beginning at the end of the first quarter of 2014. Each of the work groups coincide with a general strategic theme, which is noted in parentheses.

As there are many priorities, new suggestions are coming forth: In the brainstorming phase are suggestions for 1.) employee recognition, relating to an employee of the month and/or an electronic method of employees being able to recognize other employees for excellent work – this may not be a work group, but could be folded into wellness or HR activities, 2.) a broad structure for safety and security – which Jon Kochis is taking the lead on in terms of setting the structure, and 3.) attention to procurement or vendor requirements, relating to training for procedures and outlining requirements for vendors, beyond those within requests for proposals, such as the example of the requirement to be current with local taxes – which is well placed with the Connections meetings that are held monthly. These brainstormed collaborative efforts will take some thought to frame successfully, and updates will be provided.

Mr. Davis asked everyone to give thought to restricting the use of vendors who misbehave or have participated in a level on wrongdoing to avoid vendors who mess around with invoices, and if they do, then to not use them.

Ms. Brown mentioned that the state auditor does have a list of vendors who they suggest are not used due to that vendor’s history. That list is called the suspension and debarment list. At the local level, there may be ways to draw upon these ideas, such as with the payment of local taxes and other aspects relating to vendors.

Mr. Slater stated that the Auditor’s office does have a policy regarding this and that he would review it and follow up with the Commissioners. Mr. Davis stated he appreciated that and would be willing to have further conversations with Mr. Slater.
b. Contract Monitoring

Mr. Davis asked if there was a schedule in place to monitor contracts that were expiring.

Ms. Brown stated that there was and in 2013, the administration put in place a contract monitoring tool in order to ensure that Commissioners’ contracts were current and renewed properly. The Board has observed and passed several contracts as a result of the monitoring in 2013. In addition, there are examples of contracts in which there will be retroactive dates, as the contracts were not formally renewed in the past. An example of this is with recycling. The Board will see contracts coming forth relating to recycling that have continued by history and are not being formalized. When appropriate, there has also been a review of deliverables for monitoring, such as with Meals on Wheels. An example of a deliverable in the current contract is providing the Meals on Wheels audited financial statement to the Board of Commissioners and to the State Auditor. This particular contract is under review, and the deliverables will likely need updated, as well, with the goal of improving internal control measures. Finally, another example of renewal is with the City of Lancaster, where there is a renewal of a contract expected for criminal prosecution services, which is at the current rate of $150,000 annually. The city awaits news about a grant, which will impact its request relating to the contract renewal.

Mr. Davis stated that he went to the Meals on Wheels meeting last week with Ms. Cordle and saw a part of the process for grant requests. The meeting gave him a sense that the commissioners need to tighten up and enforce the grant process. He would give no deference to any recommendations at this point based on the process he saw last week. He suggested they could have each group present their proposal and answer any questions that the MOW board has, but that the current board appears to be uninformed of the groups requesting grant dollars and that their current process is inappropriate.

c. Update on Energy Aggregation

On November 5th, Carri Brown, Rachel Elsea, and Holly Mattei met with interested townships and villages prior to the regularly scheduled RPC meeting. Carri Brown reported that the Commissioners’ Office is researching methods that the Board of Commissioners can possibly support the entities with the costs of ballot language. While there is no statutory provision that allows for an allocation to townships and villages, there may be a way to place the language on the ballot on behalf of the
interested entities. This aspect is under research, based on an original question to come from Walnut Township. Rachel and Carri will continue to research options associated with ballot costs. Brenda Fargo, the CCAO vendor representative, will send ballot language, the agreement the county will need to pass, and FAQs to us. Rachel Elsea will prepare a timeline, with an informational meeting included. We will also create a press release draft. Presently, Walnut Township, Richland Township, Berne Township, Rushville, and Thurston are interested in participating in the county aggregation for electricity services. A summary is a work in progress for Commissioner Davis to have for the annual township meeting.

Mr. Kiger added that Mr. Brad Markwood is also very interested in this program.

- **Old Business**

  Mr. Davis stated he had touched base with Ms. Cordle regarding the personnel policy manual and that changes were still pending.

  Ms. Cordle stated that Ms. Brown and Mr. Dolin provided feedback and additional language. She will incorporate this language to help clarify and specify. She added that in the nepotism section they would be incorporating individuals living with other employees by defining the relatives in that category. Mr. Dolin also suggested adding the label “fiancé”.

  Mr. Davis asked where fraternization was included.

  Ms. Cordle stated it was addressed in the nepotism section but there is no specification for employees who are dating.

  Mr. Davis stated he would like to see clear and unequivocally language on that subject.

  Ms. Cordle suggested a change to the smoke and tobacco free section as the current proposed language would put the county in an area it is unable to monitor. The language is extremely broad and would apply to gum/mint containers that look like tobacco containers. She suggested just changing the language to e-cigarettes. She asked if there were any additional questions.

  No additional questions were raised.

  Mr. Davis asked if they would see this again on the 19th.

  Ms. Cordle stated it would be sent later that afternoon.
Mr. Davis added that he saw Mr. Shepard and had thanked him for all of his work on this project.

- **New Business**

  a. **Open Enrollment**

Ms. Cordle reported that open enrollment for flex spending was starting today. This was a smooth transition with one wrinkle. The IRS made a change regarding flex spending on October 31st allowing employers to suspend use of the “use it or lose it.” Currently, if the employee does not use the funds they go back into a general flex spending account held by the county. The Commissioners would need to adopt a new policy if they would like to suspend the “use it or lose it” policy. Ms. Cordle is waiting on an addendum to the contract from the vendor. The new policy would allow for a $500 carry over each year (what the IRS now allows). She strongly suggested this new policy and stated she would like to let the employees know that is the plan if the Commissioners plan on adopting it the next week. Roughly 130 of the 800 eligible employees participate.

Mr. Davis stated he was in favor of advising employees of their intent to allow the $500 carryover each year.

Mr. Kiger and Mr. Levacy concurred.

Mr. Davis added that he would support a higher cap.

Ms. Cordle replied the IRS currently only allows $500 and that flex spending was a good vehicle to help others set aside money to use for medical costs.

Mr. Davis agreed and added that it was good because there is no tax consequence.

Ms. Cordle added that it also increases tax home pay.

Mr. Davis asked if Ms. Cordle knew what the current fund looks like.

Ms. Cordle stated it was not huge and that she would check with the current vendor at the end of the year.

Mr. Kiger stated that employees could get their health care costs from their insurer for the last year to get an idea of what their costs would be.
b. CRMS Updates for 2014.

Ms. Elsea stated they are looking at CRMS updates for 2014 and would like to try to implement a feature that would allow departments to submit contracts for the prosecutor’s approval through CRMS. This would be like those resolutions needing financial approval being sent to finance. Mr. Dolin would have his own section where any resolutions with contracts needing his approval would go. Hopefully this would help with the back and forth of emails.

Public Hearing – Rolling Forward – An Amendment to the Fairfield County 2009 Active Transportation Plan

The Board of Commissioners held a public hearing at 11:04 a.m. to discuss the Rolling Forward amendment to the Fairfield County 2009 Active Transportation Plan with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Holly Mattei, James Mako, Lisa Notestone, Bob Clark, Jeff Barron, Carrie Woody, David Miller, Greg Eyerman, Jason Dolin, Dennis Keller, Jon Slater, Jeremiah Upp, and Deputy Skeen.

Mr. Davis opened the hearing and stated this was a proposed update for the 2009 plan. He said there would be an update from Ms. Mattei followed by comments in favor of and opposition to the amendment.

Mr. Mattei presented the proposed amendment and changed (see attached).

Mr. Davis noticed that all path lines stop at the corporations.

Ms. Mattei stated that was correct as they do not want to overstep the plans of corporations that are already in place. If a corporation does not have plans in place they will then work with them to develop those plans on the corporations’ terms.

Mr. Davis asked if there were any comments in favor of the proposed amendment. No comments were made.

Mr. Davis then asked if there were any comments in opposition to the proposed amendment. No comments were made.

Ms. Mattei stated the Commissioners would now need to deliberate over the proposed amendment and let her know when they would be ready to vote and she would have a resolution placed on the agenda.

Mr. Davis stated that she should proceed with the resolution.
Mr. Davis closed the hearing at 11:18 a.m. and stated the Commission would be in recess until the 11:30 hearing regarding the petition to vacate a portion of North Alley and Oak Street in Lockville.

**Public Hearing – Vacate a Portion of North Alley and Oak Street.**

The Board of Commissioners held a public hearing at 11:31 a.m. to discuss the petition to vacate a portion of North Alley and Oak Street with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Jeff Barron, Dennis Keller, William Craig, Deputy Skeen, William Yaple, Jason Dolin, Jeremiah Upp, Bob Clark, Joshua Frasure, Richard Colburn, and Deputy Skeen.

Mr. Davis opened the hearing and stated the Commissioners had viewed the area earlier in the morning. He stated there would be remarks from the engineer followed by comments in favor of and opposition to the proposed vacation followed by closing remarks from the engineer.

Mr. Upp stated the proposal was to vacate a portion of two alleys in Lockville. The alley right off of Pickerington Road would be split between two properties with the alley behind Mr. Craig’s property going completely to him. There is a 10.6 acre parcel behind the alley that would lose access, but that property owner may have access by joining their other lots on Pickerington Road. That property owner did not want to lose access to her lot.

Mr. Davis asked if there were any comments in favor of the proposal.

Mr. William Craig of 8490 Jefferson Road in Carroll stated the property owner who would lose access would still have access to their land as they own the parcel that would be receiving part of the vacated alley and that they would have access through another one of their lots as well. He also apologized for his behavior at the viewing earlier in the morning.

Mr. Davis asked if there were any comments in opposition to the proposal.

Mr. William Yaple of 6890 Dilley Road in Canal Winchester, the Director of Operations for Violet Township, stated the trustees opposed the proposal. He submitted a GIS map of the properties (see attached) and stated the alley to the west is not adjacent to the property owner and is 14 feet wide and too narrow. The west side of the alley also has buildings that may encroach on the right of way.

Mr. Josh Frasure of 6027 Pickerington Road in Carroll stated that he was concerned that his signature had been added to the petition and that he did not sign anything in support of this petition. He was just asked for his name and contact information, no signature.
Mr. Craig stated his signature was not on the petition.

Mr. Richard Colburn of 6056 Pickerington Road in Carroll apologized for his behavior at the viewing and added that he was not sure how the alley worked and would like to know.

Mr. Davis informed Mr. Colburn that the request was for both alleys and that they were not addressing a variance just the request for the vacation of both alleys.

Mr. Colburn stated he had no problem with Mr. Craig’s request for the back alley.

Mr. Yaple stated the area east of the property is 60 feet according to the mapping.

Mr. Davis asked if there was anything further to discuss regarding the proposed vacation.

With no additional discussion Mr. Davis closed the hearing at 11:44 a.m.

**Review Continued**

The Commissioners met at 12:00 p.m. to continue to review legal issues and pending or future action items and correspondence. Commissioner Davis called the meeting to order with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, and Staci Knisley.

- **General Correspondence Received**
  
  a. COAAA Meeting Agenda Packet from November 7th
  
  b. Letter from ODNR re: Emerald Ash Borer at Buckeye Lake State Park

  Mr. Levacy stated he met with an ODRN representative regarding this issue as they will be removing trees on the dam which would topple the dam.

- **Calendar Review/Invitations Received**
  
  a. 2013 Legislative Update – Tuesday, November 26th at 11:30 a.m. at the Liberty Center (Lancaster/Fairfield Chamber)

  Mr. Davis suggested that all three Commissioners attend.
Mr. Davis added that he received a high level of concern regarding House Bill 5 from both Mayor Smith and Bill Vance. Mayor Smith projected a loss of $1 million for Lancaster and Mr. Vance indicated Pickerington would see a loss of at least $150,000 up to $1 million. The Commissioners will continue to monitor HB 5.

- **FYI**
  
  a. Letter from PUCO re: creation of a new area code.

  Ms. Brown indicated that staff will direct calls to the PUCO website and survey.

- **Issues Bin**

  a. Vending Machines & Square 7 (end of year 2013)

  b. CEM Building

  Ms. Brown stated that Ms. Fox-Moore was going to visit the CEM building and Mr. Keller was aware of this. OU-L is interested in helping/collaborating with the development if applicable. OU-L was offered the property in the past but they are unable to use it due to the upkeep costs.

Mr. Kiger stated that Mr. Yaple would be retiring at the end of the year and that he was interested in serving on the Land Bank board if such an opportunity would arise. Ms. Joy Davis last day was November 8th.

With respect to the Land Bank, Ms. Brown stated that the trustees of the Land Bank would appoint the board members as it is distinct corporation. Treasurer Kuhn will send a letter to Violet Township and the city of Lancaster in this regard.

Mr. Davis stated that the Commissioners had received the latest casino report.

Ms. Brown said a 2014 goal was to reconcile the casino tables with the charts the Commissioners keep.
Mr. Davis stated that the tables from Mr. Laramee may be on an accrual basis versus the Commissioners’ cash balance. Further, there may be administrative fees charged by the state which reduces the cash receipt.

**Adjournment**

With no further business, on the motion of Mike Kiger and a second of Dave Levacy the Board of Commissioners voted to adjourn 12:29 p.m.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Mike Kiger, Dave Levacy, and Steve Davis

The next regular meeting for the Board of Commissioners is scheduled for Tuesday, November 19, 2013 at 10:00 a.m. with Review beginning at 9:00 a.m.

Motion by: **Kiger**  Seconded by: **Levacy**

that the November 12, 2013, minutes were approved by the following vote:

YEAS: **Kiger, Levacy, Davis**
NAYS: None

ABSTENTIONS: None

*Approved on November 19, 2013*

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Steven A. Davis  
Commissioner

Dave Levacy  
Commissioner

Mike Kiger  
Commissioner

Rachel Elsea, Clerk